IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF SEPTEMBER TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE V.ESWARAIAH
WRIT PETITION NO : 13985 of 2001

Between:
K. Jayender Reddy, D/o Matta Reddy,
Aged about 42 years, Secretary,
Primary Agricultural Cooperative Credit Society,
Gurrampode, Nalgonda District.

..... PETITIONER

AND

1. The General Manager,
Nalgonda District Cooperative Central Bank Limited,
Nalgonda, Nalgonda District.

2. Primary Agricultural Cooperative Credit Society,
Gurrampode, Nalgonda District, rep. By its President
R. Surender Reddy.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ or order or direction more particularly one in the nature of Writ of Certiorari, quashing resolution of the second respondent Society dated 18.9.1998 inasmuch as petitioner being surrendered to the 1st respondent Bank by declaring the same as illegal, unjust, arbitrary and against the statutory provisions and without jurisdiction and consequently direct the respondents to post the petitioner either in the 2nd respondent society or in any other society in Nalgonda District and pass such other order or orders as this Hon'ble Court may deem fit and proper.

Counsel for the Petitioner:MR.L.J.VEERA REDDY

Counsel for the Respondents: G.P. for Cooperation.

The Court made the following :

ORDER:

Petitioner presently working as Secretary of Primary Agricultural Co-operative Credit Society, Gurrampode, Nalgonda District. He questions the action of the said society taken by its Resolution dated 18.9.1998 surrendering him to the District Cooperative Central Bank Limited, Nalgonda on the ground that he was failed to collect the collections as directed by the Executive Committee and that there are two Secretaries working in the Society and the Society is not in a position to bear two secretaries and the Society is running at loss.

As against the said resolution of the second respondent-Society, the petitioner made a representation before the General Manager, Nalgonda District Cooperative

Central Bank Limited, Nalgonda. In pursuance of the said representation, the first respondent passed orders dated 2.3.2001 stating that the Society cannot surrender his services of its secretary as per the orders of the Commissioner and Registrar and accordingly Society was requested to permit the petitioner to discharge his duties in the service of the Society and if there are any allegations in discharging the duties, suitable action can be taken against the petitioner.

It is stated that in pursuance of the interim orders passed by this Court on 11.7.2001, the petitioner is permitted to render his services as Secretary in the second respondent-Society. It is stated that there were certain allegations of misappropriation against the petitioner and therefore, the Society made a compliant against him. It is further stated that the said alleged misappropriated funds have been settled and made in favour of the society and therefore, the Society accordingly withdrew its complaint vide its letter dated 22.3.2000. Now the only question that arises for consideration is whether the Society can surrender the

services of its employees to the District Cooperative Central Bank Limited?

After de-caderization of the paid secretaries, once the paid secretary has allotted to the particular society, he becomes permanent employee of that particular society and therefore, it is for the concerned society to take appropriate action against its employees if it is not in a position to pay the salaries in accordance with the provision of Section 116© of the A.P. Cooperative Societies Act.

In view of the proceedings issued by the first respondent made in RC.No. Adm/A.1/F.No. 183/94-95 dated 2.3.2001 requesting the second respondent to permit the petitioner to continue him in the services of the second respondent-Society, this Writ petition is allowed keeping it open to the second respondent-Society to take appropriate action in conformity with Section 116 © of the A.P. Cooperative Societies Act. No costs.

Ka 28.09.2004.

To

1. The General Manager,
Nalgonda District Cooperative Central Bank Limited,
Nalgonda, Nalgonda District.

2. President (Sri Surender Reddy) Primary Agricultural Cooperative Credit Society,Gurrampode, Nalgonda District.
3. 2 CCs to G.P. for Cooperation, High Court Buildings, High Court of A.P., Hyderabad. OUT
4. 2CD copies